

1 Jewell

2 A It implies there is some relationship  
3 between puff tobacco and burn rate that I don't  
4 have any information about.

5 Q Well, let me make sure we are clear  
6 here.

7 First, I didn't use the term "burn  
8 rate."

9 DI But does burn rate have some relation  
10 to puff count, in your view?

11 MR. NICODEMA: Again, limit your  
12 answer to information or knowledge you have. And  
13 you are not to give any opinion testimony.

14 Q I don't want you to limit your answer  
15 that way, Dr. Jewell. And if you are going to  
16 limit it, tell me before you give me your answer  
17 because I may want to go see the judge over this.  
18 Okay?

19 So are you going to limit your answer  
20 the way your lawyer said?

21 MR. NICODEMA: You are not to give  
22 opinion testimony.

23 A I don't plan to do anything outside of  
24 counsel's advice.

25 MR. SECREST: Would you mark that,

170322114

1 Jewell

2 please.

3 Q Now can you answer my question subject  
4 to his instruction? Which I think is  
5 poorly-taken.

6 THE WITNESS: Would you read that  
7 direction again.

8 (A portion of the record was read.)

9 Q Are you going to follow his  
10 instruction?

11 MR. NICODEMA: I think he said he  
12 would.

13 A Certainly.

14 Q Now, with his instruction and mine,  
15 what is your answer?

16 A And just to make sure I am not  
17 confused on this, your specific question I am  
18 answering on this point.

19 Q The relation between burn rate and  
20 puff count, if there is one.

21 A As a layman, I tend to think about  
22 puff count and burn rate in similar ways.

23 But I understand the product developer  
24 has very specific definitions for these things  
25 that I really don't understand and couldn't speak

170322115

1 Jewell

2 to here.

3 Q Do you have any understanding at all  
4 of any relationship between burn rate and puff  
5 count?

6 A Only an intuitive one.

7 Q What is that intuitive understanding?

8 A Well, if something burns fast it must  
9 have fewer puffs.

10 Q Is that the extent of your  
11 understanding?

12 A I am afraid I don't have any product  
13 expertise in this area.

14 Q Would you flip over to the page  
15 BWH37-06.

16 In the first sentence on that page,  
17 the author of this document says: "The choice of  
18 cigarette paper is critical to both the burn rate  
19 and the smoke quality of an ultra slim  
20 cigarette."

21 Do you have any information on which  
22 you could base agreement or disagreement with that  
23 statement?

24 A No.

25 Q Do you think it is true?

170322116

1 Jewell

2 A I have no reason to question this.  
3 But I have no knowledge of it one way or the  
4 other.

5 Q Forget the first part of this about  
6 burn rate and focus on smoke quality; okay?

7 The second part of the sentence, do  
8 you have any understanding of why the choice of  
9 cigarette paper is critical to smoke quality in an  
10 ultra slim cigarette?

11 MR. NICODEMA: Can I have it back  
12 again.

13 (The record was read.)

14 MR. NICODEMA: My only qualification  
15 at this point is to limit your answer to  
16 information you obtained on or before May 30,  
17 1989.

18 A I don't have any knowledge one way or  
19 the other.

20 Q Do you have any intuitive  
21 understanding of the effect of paper on the smoke  
22 quality of an ultra slim cigarette based on the  
23 relative masses of paper and tobacco in that  
24 product versus the relative mass of paper and  
25 tobacco in a fatter cigarette?

170322117

1 Jewell

2 MR. NICODEMA: Read that back,  
3 please.

4 (The record was read.)

5 MR. NICODEMA: I will object, the  
6 question is vague and indefinite.

7 You can answer it, anyway, but don't  
8 give opinions, don't speculate, don't  
9 hypothesize.

10 A Again, I have no knowledge of that.

11 Q I didn't ask you for knowledge.

12 A minute ago you gave me an intuitive  
13 understanding about burn rate and puff count, and  
14 I am asking for that same type of understanding on  
15 this subject, if you have one.

16 A I have no intuitive understanding on  
17 the subject.

18 Q Have you ever thought about that  
19 subject before?

20 A Not that I can remember.

21 Q Would you look, sir, back at page  
22 37-22.

23 Have you ever seen that document  
24 before?

25 A Not that I recall.

170322118

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2

I N D E X

3

WITNESS

EXAMINED BY

PAGE

4

John Nolan Jewell

Mr. Secrest

4

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9

EXHIBITS

10

DEFENDANT'S

11

FOR IDENTIFICATION

PAGE

12

253 Copy of an article entitled "A Weight

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Loss Technique For Determining Rate of

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Static Burn." It bears the date

15

December 11, 1970 on its front

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REQUEST FOR INFORMATION

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RQ

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DIRECTIONS NOT TO ANSWER

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1  
2 STATE OF NEW YORK )  
3 COUNTY OF NEW YORK )  
4

5 I, WENDY D. BOSKIND, a Notary  
6 Public of the State of New York, do hereby certify that  
7 the foregoing deposition of JOHN NOLAN JWEWLL  
8 was taken before me on the 26th day of March,  
9 1991.

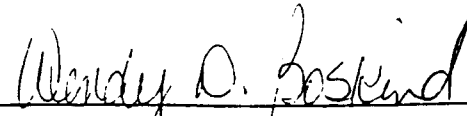
10 The said witness was duly sworn before the  
11 commencement of his testimony; that the said testimony  
12 was taken stenographically by myself and then  
13 transcribed.

14 The within transcript is a true record of  
15 the said deposition.

16 I am not connected by blood or marriage  
17 with any of the said parties, nor interested directly  
18 or indirectly in the matter in controversy, nor am I  
19 in the employ of any of the counsel.

20 In witness whereof, I have hereunto set  
21 my hand and seal of office at the County and State of  
22 New York this 10th day of April, 1991.

23  
24  
25

  
WENDY D. BOSKIND

170322120

1 Jewell

2 (Whereupon, at 4:15 p.m., the  
3 proceedings were adjourned as above set forth.)  
4

5 \_\_\_\_\_  
6 JOHN NOLAN JEWELL  
7

8 Subscribed and sworn to before me  
9 this \_\_\_\_\_ day of \_\_\_\_\_ 1991.  
10

11 \_\_\_\_\_  
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CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

-----x  
BROWN and WILLIAMSON TOBACCO  
CORPORATION,

Plaintiff,

-against-

No. C-89-0470-L-B

PHILIP MORRIS INCORPORATED,

Defendant.  
-----x

Continued deposition of JOHN NOLAN  
JEWELL, held at the offices of Fish & Neave,  
875 Third Avenue, New York, New York 10022, on  
the 27th day of March, 1991, at 9:35 o'clock a.m.,  
pursuant to adjournment, before Wendy D. Boskind,  
a Notary Public of the State of New York.

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A P P E A R A N C E S:

MORGAN & FINNEGAN, ESQS.

Attorneys for Plaintiff

345 Park Avenue

New York, New York 10154

BY: MICHAEL A. NICODEMA, ESQ.,

ALAN TENENBAUM, ESQ.,

Of Counsel

FISH & NEAVE, ESQS.

Attorneys for Defendant

875 Third Avenue

New York, New York 10022

BY: THOMAS L. SECREST, ESQ.,

W. EDWARD BAILEY, ESQ.,

KELSEY I. NIX, ESQ.,

RON E. SHULMAN, ESQ., (portion of p.m.)

Of Counsel

-oOo-

170322123

1  
2 J O H N N O L A N J E W E L L ,  
3 having been previously sworn, resumed  
4 and testified further as follows:

5 EXAMINATION (cont'd.)

6 BY MR. SECREST:

7 Q Dr. Jewell, have you ever used the  
8 term "elegant" in describing a cigarette?

9 A I don't recall it.

10 Q Have you ever heard the term "elegant"  
11 used in describing a cigarette?

12 A Yes.

13 Q What did you understand the term  
14 "elegant" to mean in conjunction with a cigarette?

15 MR. NICODEMA: Just so we are clear on  
16 this, since this is a term used in the patent,  
17 exclude from your answer any communications you  
18 have had or may have had with attorneys on the  
19 issue.

20 A To me, "elegant" means stylish or  
21 sophisticated.

22 Q What characteristics of a cigarette  
23 would make it stylish or sophisticated in your  
24 view?

25 A Its look and appearance.

170322124

1 Jewell

2 Q What features of its look and  
3 appearance would make a cigarette stylish and  
4 sophisticated in your view?

5 MR. NICODEMA: Here, before you  
6 answer, since I believe he testified he didn't  
7 recall if he ever used the term before to describe  
8 a cigarette, I will object that this question  
9 seeks an opinion at this point.

10 But you can answer, if you can.

11 THE WITNESS: Would you repeat the  
12 question, please?

13 MR. SECREST: Would you read it back,  
14 please.

15 (The record was read.)

16 A Can I ask for further clarification?  
17 Are you asking for general impressions as I have  
18 them now or as perhaps they existed prior to our  
19 cut-off date?

20 Q Well, you told me that you had heard  
21 the term "elegant" used in conjunction with a  
22 description of a cigarette. And I am trying to  
23 find out what you understood the word to mean when  
24 you heard it used in that way, whenever that was.

25 A I don't recall when I heard that, so

170322125

1 Jewell  
2 that's part of the difficulty in answering the  
3 question.

4 Q Well, answer it as best you can.

5 MR. NICODEMA: Again, Dr. Jewell, you  
6 can answer the question with the limitations that  
7 you are to exclude attorney/client communications  
8 and you are to give information coming to you,  
9 into your possession, on or before May 30, 1989.

10 A There are two things, the way the  
11 tipping paper is presented as well as the  
12 circumference of the cigarette.

13 Q What is it about the way the tipping  
14 paper is presented that would make a cigarette  
15 elegant or stylish and sophisticated in your  
16 understanding?

17 A How the product name is handled.

18 Q Could you explain that a little more?

19 A I could envision perhaps no name  
20 versus, say, a stylish presentation of a name on  
21 tipping paper, could differentiate the product.

22 Q What about the tipping paper itself?  
23 Would that have an effect on whether or not a  
24 cigarette is stylish and sophisticated in your  
25 view?

170322126

1 Jewell

2 MR. NICODEMA: Can I have that  
3 question again?

4 (The record was read.)

5 MR. NICODEMA: Again, Dr. Jewell,  
6 limit your answer to information in your  
7 possession or things you considered on or before  
8 May 30, 1989, and not present-day opinion  
9 testimony.

10 A I am not sure I can think of any other  
11 specifics that I considered until more recently.

12 Q Are you telling me that you had  
13 considered certain things prior to this cutoff  
14 that keeps getting bandied around here, and you  
15 have considered more aspects since then? Is that  
16 your testimony?

17 THE WITNESS: Would you read that  
18 back, please.

19 (The record was read.)

20 A I am afraid I have difficulty  
21 pinpointing when I may have considered some of  
22 these issues that you are raising.

23 Q Well, you mentioned two things that in  
24 your view determined whether or not a cigarette  
25 was stylish and sophisticated, and one was the

170322127

1 Jewell

2 presentation of the tipping paper, the other one  
3 was the circumference. Is that right?

4 A Correct.

5 Q Does stylish and sophisticated require  
6 both of those things to be present in the  
7 cigarette for it to be stylish and sophisticated  
8 in your view?

9 MR. NICODEMA: Again, limit your  
10 answers to information in your possession on or  
11 before May 30, 1989.

12 A I don't know.

13 Q Let me explore that a little.

14 Are you telling me you don't know  
15 because of Mr. Nicodema's cutoff or because you  
16 just don't know what your view was?

17 A Well, I understood your question to be  
18 asking me for an impression, and I am not sure I  
19 can analyze or explain that to you in anymore  
20 detail.

21 Q Is that because it is very  
22 subjective?

23 MR. NICODEMA: I will object to the  
24 form of the question.

25 A I don't know.

170322128

1 Jewell

2 Q Well, is the concept of elegance of a  
3 cigarette objective in your view?

4 MR. NICODEMA: Again, I will object to  
5 the form of the question. He gave you his  
6 impressions. Now you are asking him to speculate.

7 MR. SECREST: Quit coaching him.

8 MR. NICODEMA: I am not coaching him.

9 Q Answer my question.

10 MR. NICODEMA: You are asking improper  
11 questions.

12 Q Can you answer my question,  
13 Dr. Jewell?

14 MR. NICODEMA: You are asking him to  
15 speculate.

16 THE WITNESS: Would you repeat the  
17 question, please?

18 (The record was read.)

19 A I don't know.

20 Q Mr. Nicodema said I was asking you to  
21 speculate in asking you to define what the term  
22 "elegant" means to you. Does that call for you to  
23 speculate?

24 A I am not sure I even understand the  
25 question.

170322129



1 Jewell

2 Q Well, for you to tell me what you  
3 understand the word "elegant" to mean, in  
4 conjunction with the cigarette, do you have to  
5 speculate to give me that answer?

6 A I am not sure I understand what  
7 "speculate" means in the context of these  
8 questions you are asking.

9 Q Well, I didn't either but your lawyer  
10 threw it out on the table. So I am trying to  
11 figure out if you understand because I sure  
12 don't. I thought I was asking you pretty  
13 straightforward questions.

14 Let me ask you, Mr. Jewell, what is it  
15 about the circumference, in your view, that  
16 determines whether or not a cigarette is stylish,  
17 sophisticated or elegant?

18 A The appearance.

19 Q What about the appearance?

20 A When you put it alongside a full-size  
21 cigarette, the smaller circumference looks more  
22 elegant to me.

23 Q So the circumference has to be smaller  
24 than a standard-size cigarette, in your view, in  
25 order for it to be elegant; is that right?

170322130

1 Jewell

2 MR. NICODEMA: Would you read that  
3 back, please.

4 (The record was read.)

5 A No.

6 Q Could it be bigger than a  
7 standard-size cigarette and still be elegant in  
8 your view?

9 A I don't know.

10 Q You don't know your own views; is that  
11 what you are telling me?

12 A No.

13 Q Well, what is it about the  
14 circumference that determines whether or not a  
15 cigarette is stylish, sophisticated, or elegant in  
16 your view?

17 A One measure, not to be a complete or  
18 total list, would be the circumference.

19 Q You have told me that. But what I  
20 want to know is what is it about the circumference  
21 that would determine whether or not something was  
22 stylish, sophisticated, or elegant.

23 I thought you told me a few minutes  
24 ago smaller meant stylish, sophisticated, or  
25 elegant, and I asked you that question again in a

170322131

1 Jewell

2 little different form and you said no. I am  
3 trying to figure this out.

4 What is it about the circumference?

5 A In my view, the smaller cigarette in  
6 comparison to larger ones does have a stylish  
7 appearance.

8 Q Okay. So to be stylish, sophisticated  
9 or elegant, in your view, a cigarette has to have  
10 a smaller circumference; is that fair?

11 A No.

12 Q Could it have the same circumference  
13 and still be stylish, sophisticated, and elegant  
14 in your view?

15 A I would not rule that out as a  
16 possibility.

17 Q So it is possible; right?

18 A Hypothetically.

19 Q So we can have a range of  
20 circumferences, in your view, and still have a  
21 stylish cigarette or elegant cigarette; is that  
22 right?

23 MR. NICODEMA: I will object to the  
24 form of the question as being indefinite.

25 THE WITNESS: Repeat the question,

170322132

1 Jewell

2 please.

3 (The record was read.)

4 A I am not sure.

5 Q You can't answer that question?

6 A It is really not one I have given a  
7 lot of thought to prior to our discussions here.

8 Q In your view, these two elements that  
9 you have mentioned, as going to stylishness,  
10 sophistication or elegance, do they both have to  
11 be present in a cigarette in order for that  
12 cigarette to be elegant?

13 And those two elements, you have  
14 mentioned to me so far, tipping paper and  
15 circumference.

16 MR. NICODEMA: I will object to the  
17 question as having been asked and answered.

18 And I will also object, at this point,  
19 as seeking an opinion.

20 Q Can you answer my question,  
21 Dr. Jewell?

22 THE WITNESS: Can you repeat the  
23 question?

24 (The record was read.)

25 THE WITNESS: And can you go back to

170322133

1 Jewell

2 the first time he asked the question of those two  
3 variables?

4 (A portion of the record was read.)

5 THE WITNESS: Would you read the  
6 present question again.

7 (The record was read.)

8 A I don't know.

9 Q Can you determine whether or not a  
10 cigarette is elegant by looking at it in  
11 isolation? In other words, without another  
12 cigarette to compare it to.

13 MR. NICODEMA: You mean he  
14 personally? Is that what you are asking?

15 MR. SECREST: That's who is testifying  
16 here.

17 MR. NICODEMA: Well, the question is  
18 overbroad.

19 Q Can you answer my question,  
20 Dr. Jewell?

21 A Again, you are asking for a personal  
22 impression.

23 Q Yes.

24 MR. NICODEMA: And, again, I will  
25 object as seeking opinion testimony.

170322134

1 Jewell

2 MR. SECREST: I am getting tired of  
3 hearing that; you better cite me some law.

4 MR. NICODEMA: I don't care what you  
5 are getting tired of hearing.

6 Q Can you answer my question,  
7 Dr. Jewell?

8 THE WITNESS: Would you repeat the  
9 question?

10 (The record was read.)

11 A I don't know.

12 Q Do you have in mind any objective  
13 yardstick, criteria by which you would determine  
14 whether or not a cigarette is elegant?

15 A I can't say that I have considered  
16 that one way or the other.

17 Q Excuse me?

18 A I can't say I have considered this one  
19 way or the other.

20 Q In your view, is the term "elegant" an  
21 objective standard or a subjective standard?

22 MR. NICODEMA: Objection, that  
23 question has been asked and answered.

24 Q Answer it again for me, please,  
25 Dr. Jewell.

170322135

1 Jewell

2 THE WITNESS: Can you find the first  
3 time the question was asked, please?

4 Q I never asked it before.

5 MR. NICODEMA: Oh, yes, you did.

6 MR. SECREST: Okay, you read it back.

7 I asked him if he thought it was  
8 subjective. I never asked him the disjunctive.

9 If you are going to accuse me of  
10 things, be sure.

11 MR. NICODEMA: Let's find it; you  
12 asked them both.

13 (A portion of the record was read.)

14 Q Can you now answer the pending  
15 question, Dr. Jewell?

16 A Would you read that back to me,  
17 please.

18 (The record was read.)

19 MR. NICODEMA: I will add a further  
20 objection, that the question seeks opinion  
21 testimony.

22 But you can answer.

23 A I don't know.

24 Q About 30 minutes ago, when I started  
25 asking you about "elegant," Mr. Nicodema made an

170322136

1 Jewell

2 objection and said something about because it was  
3 a word in the patent.

4 Were you aware that the word "elegant"  
5 appears in the patent involved in this lawsuit,  
6 Exhibit 12?

7 MR. NICODEMA: And limit that answer  
8 to on or before May 30, 1989, were you aware as of  
9 that time.

10 A No.

11 (Discussion off the record.)

12 Q Dr. Jewell, I am going to hand you a  
13 copy of a document that has been previously marked  
14 as Defendant's Exhibit 87 for identification.

15 Have you seen that document before?

16 A Not that I recall.

17 Q Your name appears on the distribution  
18 list; doesn't it?

19 A Yes.

20 Q Do you have any reason to doubt that  
21 you received it?

22 A None one way or the other.

23 Q In the normal course of events at B&W,  
24 do you get copies of documents that your name  
25 appears on in this fashion?

170322137



1 Jewell

2 A Yes.

3 Q So you probably got this document;  
4 right?

5 A I don't recall.

6 Q That's not what I asked you,  
7 Dr. Jewell. We have already established you don't  
8 recall it.

9 I am asking for whether or not, in the  
10 normal course of events at B&W, you probably got  
11 it.

12 A What do you mean by "got it"?

13 Q Came to your attention, came across  
14 your desk, into your in-box, you touched it with  
15 your hands, did whatever you did with documents.

16 What is so hard about the word "got"?

17 MR. NICODEMA: Calm down, Mr. Secrest,  
18 now, or the deposition is over.

19 You are asking questions, he will give  
20 you answers; calm down.

21 MR. SECREST: I am calm, you are the  
22 one who is shouting, I am amazed; and I do have  
23 trouble with a witness who does not understand the  
24 word "got," g-o-t.

25 MR. NICODEMA: Read the question back,

170322138

1 Jewell

2 please.

3 (The record was read.)

4 A And could you clarify "got"?

5 Q Have you ever used the word "got" in  
6 your life?

7 A Yes.

8 Q When you used the word "got," what did  
9 it mean to you?

10 A Many different things that cause me  
11 some confusion in the context of your question.

12 Q Well, give me a definition that you  
13 are comfortable with.

14 A Well, my confusion stems from your  
15 terminology, to the extent that this came in my  
16 mail as opposed to came to my attention I think  
17 was the terminology you used.

18 Q I used several different definitions.

19 A Which suggests to me that come to my  
20 attention requires a thorough reading and  
21 understanding of it.

22 Q I am still waiting for your definition  
23 of the word "got."

24 I can go get us a dictionary out of  
25 the library, if that will help you.

170322139

1 Jewell

2 A For purposes of this context, let's  
3 say the "got" means was mailed to me.

4 Q Okay. With that definition, can you  
5 answer my question now?

6 A I would say that was highly likely.

7 Q This document refers to ultra thins.  
8 Do you see that in the subject?

9 A Yes.

10 Q At the time you got this document,  
11 what did you understand "ultra thins" to mean?

12 A I don't recall.

13 Q Did it have any relationship to the  
14 cigarette that eventually became Capri?

15 A Yes.

16 Q What relationship?

17 A Ultra thin is one of many terms I have  
18 used -- I have heard used to describe Capri.

19 Q Did this document, referring to ultra  
20 thins, pertain to the project that became Capri?

21 A I don't know.

22 MR. SECREST: I ask the court reporter  
23 to mark, as Defendant's Deposition Exhibit 254 for  
24 identification, a one-page document dated April 4,  
25 1984, bearing production No. BWM4-092.

170322140

1 Jewell

2 (Whereupon, document above referred to  
3 was marked as Defendant's Exhibit 254 for  
4 identification, as of this date.)

5 Q Did you receive that document,  
6 Dr. Jewell?

7 A Not that I recall.

8 Q Do you see your name appears down at  
9 the bottom?

10 A Yes.

11 Q Do you have any reason to doubt that  
12 you received that document?

13 A None that I can think of.

14 Q The document is addressed to two  
15 gentlemen, Mr. Parrack and Mr. Roeder.

16 Who was Mr. Parrack?

17 A An individual in our marketing  
18 department.

19 Q What was his title?

20 A I don't know.

21 Q What was Mr. Roeder's job at this  
22 time?

23 A VP of manufacturing.

24 Q Was Mr. Parrack at the same level as  
25 Mr. Roeder but over in marketing?

170322141

1 Jewell

2 A I don't recall.

3 Q Is he still with the company?

4 A I am not sure.

5 Q What was Gemini?

6 A I don't recall.

7 Q Did it have any relationship to the  
8 next thing listed there, ultra slims?

9 A I just don't recall one way or the  
10 other.

11 MR. SECREST: I ask the reporter to  
12 mark, as Defendant's Deposition Exhibit 255 for  
13 identification, a copy of a multipage document,  
14 the front page is dated April 23, 1984, it bears  
15 production Nos. BWH11-137 through 146.

16 (Whereupon, document above referred to  
17 was marked as Defendant's Exhibit 255 for  
18 identification, as of this date.)

19 Q Did you receive that document?

20 A Not that I recall.

21 Q Your name is on it; right?

22 A Correct.

23 Q Any reason to doubt that you received  
24 it?

25 A Not that I can think of.

170322142

1 Jewell

2 Q Who was Ms. Finley?

3 A I don't recall.

4 Q Do you know a Ms. Finley at B&W now?

5 A No.

6 Q Who was Mr. Willets?

7 A An individual in marketing.

8 Q What was his title?

9 A I don't recall.

10 Q How about Mr. Halverstadt? Who was  
11 that?

12 A An individual in RD&E.

13 Q What was his job?

14 A I don't recall.

15 Q Did he work for you?

16 A As of this date, I don't recall where  
17 he was in the organization.

18 Q Did he ever work for you?

19 A Yes.

20 Q When did he work for you?

21 A At many various times.

22 Q In what roles?

23 A As a process engineer in RD&E, as a  
24 fabrication support engineer in Macon, and  
25 recently as manager of process development and

170322143



1 Jewell

2 Q I just want to know what "soft cup" is  
3 generally.

4 A That's a term that we use to  
5 differentiate the paper wrapping as opposed to the  
6 harder box configuration.

7 Q So that's like a regular paper  
8 cigarette pack as opposed to the flip-top box or  
9 something like that; is that right?

10 A Yes. I am not sure which I would call  
11 regular, but it is the soft version as compared to  
12 the box that you are showing in your hand.

13 Q Different from the box of Merits I  
14 have in my hand; right? (Indicating.)

15 A Yes.

16 Q Down a couple of paragraphs, there is  
17 a heading there, Masking, and it talks about  
18 masking equipment.

19 In general, what is "masking  
20 equipment"?

21 A "Masking" is a technique to conceal  
22 the name of a product on a cigarette before  
23 consumer testing.

24 For example, if you want to test Kool  
25 in a blind test, we would mask it so the consumer

170322145



1 Jewell

2 wouldn't be biased that they were smoking Kool.

3 Q Would you turn to the next page,  
4 please, sir.

5 Up there in Arabic No. 1, it says  
6 "Existing HLP."

7 What is "HLP"?

8 A I believe it stands for hinge lid  
9 packer.

10 Q Is that a machine for packing  
11 cigarettes into a flip-open box-type package?

12 A Correct.

13 Q From this paragraph here, it looks to  
14 me like Mr. Lewis was advising the recipients of  
15 this document, one of whom was you, that at least  
16 some pieces of equipment were available from  
17 Sierra Leone and Malaysia. Is that what it looks  
18 like to you?

19 A I can't be certain what it meant.

20 Q When you got this document, did you  
21 understand that reference to Sierra Leone and  
22 Malaysia to refer to other companies in the B.A.T.  
23 group?

24 A As I mentioned earlier, I don't recall  
25 this document at all.

170322146

1 Jewell

2 Q Okay. Tell me what you understand it  
3 to mean right now.

4 A I don't recall ever having heard of  
5 Sierra Leone, to my memory.

6 Q You never heard of Sierra Leone as a  
7 country in this world?

8 A No.

9 Q Have you heard of Malaysia?

10 A Yes.

11 Q There is a B.A.T. group company in  
12 Malaysia; is there not?

13 A Correct.

14 Q From your experience around B&W for  
15 the last 19 years, is it common that B.A.T. group  
16 companies acquire machinery from each other?

17 A It does happen on occasion.

18 Q In the ultra slim project, did B&W  
19 look around the B.A.T. group for machinery to make  
20 ultra slim cigarettes?

21 A I don't know.

22 Q If you wanted to know the answer to  
23 that question, who would you ask at B&W?

24 MR. NICODEMA: I will object to the  
25 form of the question as being a hypothetical.

170322147

1 Jewell

2 A I would discuss this with the author.

3 Q Mr. Lewis?

4 A Yes.

5 Q In your view, would you consider  
6 Mr. Lewis the chief machinery guy on the ultra  
7 slim project?

8 A Could you clarify "chief"? As  
9 technical person does he have administrative  
10 responsibility, for example?

11 Q Well, answer each of those, if you  
12 can.

13 Is there a different person for each?

14 A I am not sure.

15 Q Okay. Who was the chief technical guy  
16 on the machinery aspect of the ultra slim project?

17 A It is my impression that it was  
18 Mr. Lewis.

19 Q Who was the chief administrative  
20 person on the machinery side of the ultra slim  
21 project?

22 A I am not sure.

23 Q Was there one?

24 A There could have been.

25 Q What do you mean by "administrative

170322148

1 Jewell

2 side" of it?

3 A A person more responsib. for the  
4 non-technical aspects of decisions.

5 Q Like buying machines, that sort of  
6 thing?

7 A Purchasing machines could have  
8 elements of both.

9 Q Would you look over, please, at page  
10 BWH11-141.

11 Up there, in the upper left-hand  
12 margin, somebody scratched out "thin" and wrote in  
13 "slim."

14 Do you know who did that?

15 A No.

16 Q When you got your copy of this  
17 document, did it say "thin" or "slim"?

18 A I don't recall this document at all.

19 Q Since we spoke yesterday, have you had  
20 any recollection of the name Visa as a project?

21 A No.

22 Q I am going to hand you what has  
23 previously been marked as Defendant's Exhibit 63  
24 for identification. Did you receive that  
25 document?

170322149

1 Jewell

2 A Not that I recall.

3 Q Your name is on it; right?

4 A Correct.

5 Q Do you have any reason to doubt that  
6 you received it?

7 A Not that I can think of.

8 Q Down in the cc list, where your name  
9 appears, the next line down there is a Mr. R.H.  
10 Honeycutt. Who was R.H. Honeycutt?

11 A An individual in RD&E.

12 Q What was his job?

13 A I don't recall.

14 Q Did he work for you?

15 A No.

16 Q Was he a product development person?

17 A I can't be sure.

18 Q Was he a machinery development person?

19 A No.

20 Q Who was Mr. P.S. Tribbey?

21 A An individual in RD&E.

22 Q What was his job?

23 A I don't recall.

24 Q Did he work for you?

25 A No.

170322150

1 Jewell

2 Q Was he in machinery development?

3 A I can't be sure.

4 Q Product development?

5 A I am not sure.

6 Q Up there by the word "contact," it  
7 says John Luke.

8 Do you know Mr. Luke?

9 A I know of Mr. Luke.

10 Q I think yesterday you said you had  
11 never corresponded with him; is that right?

12 A To the best of my memory, that's  
13 correct.

14 Q Or spoken to him; is that right?

15 A That's also correct, I do not recall  
16 speaking to him.

17 Q Down at the bottom of the last  
18 paragraph, and maybe you want to read this whole  
19 document but I am going to ask you about this last  
20 sentence which says: "Reports will be sent to B&W  
21 periodically describing methods and results to  
22 reduce duplication of effort."

23 That's the sentence I am going to ask  
24 you about. If you need to read the whole  
25 document, do it, tell me when you are ready.

170322151

1 Jewell

2 That last sentence, talking about  
3 reports being sent periodically to B&W, that is  
4 common between B&W and GR&DC; is it not?

5 A Yes.

6 Q In fact, on many research projects  
7 there is cooperative effort between GR&DC in  
8 England and B&W; isn't that right?

9 A It is very difficult to generalize.  
10 It is more sporadic in terms of efforts where  
11 there are synergies.

12 Q But it happens commonly where there  
13 are efforts where there are synergies; does it  
14 not?

15 A Again, it is very difficult to  
16 generalize. It does happen. I wouldn't  
17 characterize those as being a significant portion  
18 of our project activities, however.

19 Q It is not out of the ordinary for  
20 there to be cooperative efforts between these guys  
21 in the U.K. and B&W; right?

22 A It does happen from time to time.

23 Q It is not out of ordinary; isn't that  
24 right?

25 A It does happen.

170322152

1 Jewell

2 (Recess taken.)

3 Q Dr. Jewell, I will hand you a copy of  
4 what has previously been marked as Defendant's  
5 Exhibit 89 for identification. Did you receive  
6 that document?

7 A Not that I recall.

8 Q Your signature appears on the second  
9 page of it, down in the box for director of  
10 process development and engineering; right?

11 A Correct.

12 Q And you are listed as a copy recipient  
13 on the front page; right?

14 A Correct.

15 Q Any reason to doubt that you got it?

16 A None that I can think of.

17 Q Who was Mr. Philpot?

18 A A member of RD&E.

19 Q What was his job?

20 A He was responsible for administrative  
21 matters.

22 Q What was his role in the ultra slim  
23 project?

24 A I don't know.

25 Q Who was Mr. Loyd?

170322153



1 Jewell

2 A An individual in RD&E.

3 Q What was his job?

4 A An accountant.

5 Q What was his role in the ultra slim  
6 project?

7 A I don't know.

8 Q Who was Mr. Richards?

9 A A member of RD&E.

10 Q What was his job?

11 A He was an accountant.

12 Q What was his role in the ultra slim  
13 project?

14 A I don't know.

15 Q Who was Mr. McMakin?

16 A A member of the finance department.

17 Q Is that within or without RD&E?

18 A Outside of RD&E.

19 Q What was his role in the ultra slim  
20 project?

21 A I don't know.

22 Q On the second page of this form, up in  
23 the project title section, it says: "Develop  
24 sample production machinery for an ultra slim  
25 cigarette."

170322154

1 Jewell

2 Do you see where I read from?

3 A Yes.

4 Q Did that come under the auspices of  
5 machinery development in RD&E?

6 A Yes.

7 Q Why, then, did this form require your  
8 approval as process development director?

9 A Informational.

10 Q Would the project have gone forward if  
11 you hadn't have signed it?

12 A It could have.

13 Q Down in the box, it says "department  
14 manager."

15 Is that Mr. Pittman's signature?

16 A I'm sorry, I can't read it.

17 Q I can't, either.

18 Have you seen Mr. Pittman's signature  
19 before?

20 A Yes.

21 Q Does that look like his signature?

22 A I would have to guess; it is really a  
23 very poor copy.

24 Q That's the best we got.

25 Was he the department manager for

170322155

1 Jewell

2 Mr. Lewis at this time?

3 A To the best of my memory, yes.

4 Q Before you signed off on this  
5 document, did you read the thing and make sure you  
6 agreed with it?

7 A I don't recall.

8 Q Is it your practice to read things and  
9 make sure you agree with them before you sign off  
10 on them?

11 A Not necessarily.

12 Q Is it your practice to sign things  
13 without reading them?

14 A Not usually.

15 Q So usually you read things before you  
16 sign off on them; right?

17 A Correct.

18 Q Did this fall into the "usually"  
19 category?

20 A I have no memory of this one way or  
21 the other.

22 Q Well, what determined whether or not  
23 you would read something before you signed off on  
24 it?

25 A We have, for example, standard form

170322156

1 Jewell

2 contracts.

3 If I am signing a standard form  
4 contract, which the terms are the same with only a  
5 difference in the contractor, I wouldn't go back  
6 and reread the whole hundred pages of the standard  
7 form, for example.

8 Q This is not a standard form contract;  
9 is it?

10 A No.

11 Q Does that mean you would have read it  
12 before you signed off on it?

13 A I think that is very likely.

14 Q And, in reading it, you would have  
15 made sure that you agreed with it before you  
16 signed off on it; right?

17 A No.

18 Q You sign things you don't agree with?

19 A I have.

20 Q In what instances?

21 A I don't recall.

22 Q Do you recall whether or not you  
23 agreed with this proposal?

24 A I don't have a memory of it one way or  
25 the other.

170322157

1 Jewell

2 Q Did you think making an ultra slim  
3 cigarette was a good idea?

4 A I don't recall having an opinion one  
5 way or the other.

6 Q I hand you what has previously been  
7 marked as Defendant's Exhibit 166 for  
8 identification.

9 Did you receive that document?

10 A Not that I recall.

11 Q You are listed to receive a copy;  
12 right?

13 A Yes.

14 Q Any reason to doubt that you received  
15 it?

16 A Not that I can think of.

17 Q Did you go to this meeting?

18 A Not that I recall.

19 Q Well, the man who wrote the document,  
20 Mr. Halverstadt, listed you as present.

21 Do you have any reason to doubt that  
22 you were there?

23 A I don't have any memory one way or the  
24 other.

25 Q That is not what I asked you,

170322158

1 Jewell

2 Dr. Jewell.

3 MR. SECREST: Can you read the  
4 question back, please.

5 (The record was read.)

6 A I can't think of any.

7 Q Down in the cc list, there is D.L.  
8 Gordon.

9 Do you see that?

10 A Yes.

11 Q Is that Dave Gordon?

12 A Correct.

13 Q Did he work for you?

14 A At various times.

15 Q At his time, did he work for you?

16 A Not to my memory.

17 O It appears to me that this memo talks,  
18 or meeting report, talks about several different  
19 projects. Is that right?

20 A Shall I read the report?

21 Q Whatever you need to do to answer the  
22 question.

23 A Yes, there does appear to be multiple  
24 projects given.

25 Q Would you look at page 2, please. Up

170322159

1 Jewell

2 at the top it refers to Visa.

3 Does this document refresh your  
4 recollection as to whether or not Visa related to  
5 the ultra slim project?

6 A No.

7 Q There are two names in parentheses  
8 after Visa, Cantrell and Templeton.

9 Did one of those gentlemen work for  
10 the other one?

11 A I don't recall.

12 Q Under Arabic 2, there is a reference  
13 to Lasermike.

14 Do you see that?

15 A Yes.

16 Q What is a "Lasermike"?

17 A It is an instrument for measuring  
18 circumference.

19 Q Is that kind of a shorthand term for a  
20 laser micrometer?

21 A I don't know.

22 Q Is it a trade name? And I am not  
23 using that in any legal sense; just, you know, is  
24 that the name that somebody sticks on their  
25 machine when they sell it? That's the way I am

170322160

1 Jewell

2 using the name.

3 A That was my impression when I read  
4 this, from my memory.

5 But your comment on the laser  
6 micrometer caused me to rethink that; I am not  
7 sure.

8 Q Don't read anything into my comment,  
9 because I don't know.

10 Is a Lasermike an accurate instrument  
11 for measuring circumference?

12 A I am not knowledgeable at all of these  
13 instruments, so I don't know.

14 Q Have you ever used one?

15 A No.

16 Q Have you ever seen one used?

17 A I don't recall.

18 Q Does B&W own one?

19 A I am not sure.

20 Q I hand you now a copy of a document  
21 that has previously been marked as Defendant's  
22 Exhibit 175 for identification. Did you receive  
23 that document?

24 A Not that I recall.

25 Q Your name is on it; right?

170322161



1 Jewell

2 A Correct.

3 Q Any reason to doubt that you got it?

4 A Not that I can think of.

5 Q Before we get into that document, let  
6 me ask you one more question about 166.

7 The subject is Project review team  
8 meeting of 7/16/84.

9 Were you a member of the project  
10 review team?

11 A I don't recall.

12 Q Was the project review team a standing  
13 committee in RD&E?

14 A I don't remember.

15 Q Does that term, "project review team,"  
16 mean anything to you?

17 A I can't bring back any memory of a  
18 review team.

19 Q Back to 175. Down under Packaging, in  
20 the first line there is some what I take to be  
21 acronyms; "V-Fan" and "FOB."

22 Can you tell me what those things  
23 are?

24 A Yes and no.

25 Q Tell me what you can.

170322162

1 Jewell

2 A "FOB" stands for flip-open box.

3 I don't know what "V-Fan" means.

4 Q On the next page, under Testing  
5 Methodology, in the second line there is "CPT."  
6 Can you tell me what that means?

7 A Yes.

8 Q What is it?

9 A Consumer product test.

10 Q And then, in the next line, there is  
11 "MRD."

12 What is that?

13 A I don't know.

14 Q Could it be market research  
15 department?

16 A Fits the letters.

17 Q Have you ever heard something at B&W  
18 called market research department? Or division  
19 maybe?

20 A I normally hear that group referred to  
21 as marketing research. I am not familiar with  
22 "MRD."

23 Q Could you skim through this document,  
24 to the extent you need to, to tell me whether or  
25 not it refers to ultra slim cigarettes.

170322163

1 Jewell

2 THE WITNESS: Could you read the  
3 question back, please.

4 (The record was read.)

5 A I can't be sure.

6 Q Having read this document, does that  
7 refresh your recollection that Visa was a code  
8 name for the ultra slim project?

9 A No.

10 Q Down under the heading Product  
11 Development, in the second paragraph there is  
12 reference to "conventional slow-burning papers."  
13 Do you see that?

14 A Yes.

15 Q Is that referring to cigarette paper?

16 THE WITNESS: I assume he is asking  
17 for my interpretation of this.

18 Q Yes.

19 A That was my first take-away.

20 Q Then there is a reference to  
21 "intermediate low sidestream paper from  
22 Schweitzer." Do you see that?

23 A Yes.

24 Q Is that not a conventional paper?

25 A What do you mean by "conventional

170322164

1 Jewell

2 paper"?

3 Q Well, you had some understanding of  
4 the word "conventional" in the first part of that  
5 sentence; didn't you?

6 A No.

7 Q Well, you managed to answer my  
8 question. Did you not understand what I was  
9 asking you?

10 A Well, perhaps not, if that was the  
11 emphasis of your question.

12 Q Well, tell me what is a "conventional  
13 paper."

14 A I don't know.

15 Q You have no information on that score  
16 whatsoever; is that right?

17 A I am not at all knowledgeable on the  
18 product development side.

19 Q I am not talking about product  
20 development. I am talking about cigarette paper.

21 What is a "conventional cigarette  
22 paper"?

23 A Again, I have no knowledge to talk  
24 about specifications that I would consider  
25 conventional or unconventional. I just have no

170322165

1 Jewell

2 information one way or the other.

3 MR. SECREST: I ask the reporter to  
4 mark, as Defendant's Deposition Exhibit 256 for  
5 identification, a three-page document, bearing  
6 production Nos. BWH10-01 through 03.

7 (Whereupon, document above referred to  
8 was marked as Defendant's Exhibit 256 for  
9 identification, as of this date.)

10 Q Dr. Jewell, did you receive Exhibit  
11 256?

12 A I don't recall.

13 Q It shows you, up there, for a copy  
14 without attachments; right?

15 A Yes.

16 Q Do you have any reason to doubt that  
17 you received the copy without attachments?

18 A Not that I can think of.

19 Q Who was Mr. or Dr. J.G. Esterle?

20 A A member of RD&E.

21 Q What was his job?

22 A I don't recall.

23 Q Is he still there?

24 A No.

25 Q Is he still with the company?

170322166

1 Jewell

2 A No.

3 Q Did he retire?

4 A Yes.

5 Q Down under the heading Description,  
6 there is a reference to "DEVELOP INVESTIGATE." Do  
7 you see where I am?

8 A Yes.

9 Q What was "DEVELOP INVESTIGATE"?

10 A I don't know.

11 Q Do you recall "DEVELOP INVESTIGATE"  
12 being a low sidestream paper?

13 A I have no recall of "DEVELOP  
14 INVESTIGATE" one way or the other.

15 Q Did B&W attempt to make a Capri-type  
16 cigarette with a low sidestream paper?

17 A Again, I don't know one way or the  
18 other.

19 MR. SECREST: I ask the reporter to  
20 mark, as Defendant's Deposition Exhibit 257 for  
21 identification, a document bearing production  
22 Nos. BWH10-15 through 17.

23 (Whereupon, document above referred to  
24 was marked as Defendant's Exhibit 257 for  
25 identification, as of this date.)

170322167

1 Jewell

2 Q Dr. Jewell, did you receive that  
3 document without attachments, as it indicates on  
4 the face of it?

5 A I don't recall.

6 Q Have you got any reason to doubt that  
7 you got it?

8 A Not that I can think of.

9 Q Down under Description, the first  
10 section there refers to "Schweitzer low sidestream  
11 paper."

12 Do you see that?

13 A Yes.

14 Q Is that a conventional cigarette  
15 paper?

16 A I don't know.

17 MR. SECREST: I ask the reporter to  
18 mark, as Defendant's Deposition Exhibit 258 for  
19 identification, a three-page document bearing  
20 production Nos. BWH10-18 through 20.

21 (Whereupon, document above referred to  
22 was marked as Defendant's Exhibit 258 for  
23 identification, as of this date.)

24 Q Dr. Jewell, did you receive a copy  
25 without attachments of Exhibit 258?

170322168

1 Jewell

2 A I don't recall.

3 Q Did B&W test several alternate papers  
4 on the ultra slim project?

5 A I don't recall.

6 Q Did you have any role in selecting the  
7 paper that was used for Capri?

8 A No.

9 Q Did anybody in your group have a role  
10 in selecting the paper that was used for Capri?

11 A Not that I can recall.

12 MR. SECREST: I ask the reporter to  
13 mark, as Defendant's Deposition Exhibit 259 for  
14 identification, a one-page document bearing  
15 production No. BWH11-47, dated December 27, 1984.

16 (Whereupon, document above referred to  
17 was marked as Defendant's Exhibit 259 for  
18 identification, as of this date.)

19 Q Did you receive that document,  
20 Dr. Jewell?

21 A Not that I recall.

22 Q You are showed for a copy; right?

23 A Right.

24 Q Any reason to doubt that you got it?

25 A Not that I can think of.

170322169



1 Jewell

2 Q Would you take a minute to read it  
3 over, please.

4 Does this refresh your recollection  
5 that the word "Visa" was a code name for ultra  
6 slim cigarettes?

7 A No.

8 Q Let me tell you we have heard from  
9 other people, other B&W people, that that is the  
10 case, Visa was the code name; okay? So I am going  
11 to start from that basis.

12 As I read this document, what  
13 Mr. Lewis is saying is that at that time, using  
14 Celanese materials, he didn't see any savings in  
15 filter materials.

16 Is that a fair reading of it?

17 A Again, I assume you are asking for my  
18 understanding as I have just read this.

19 Q Sure.

20 A And if I could just modify the way you  
21 said that, I understand this to be saying that  
22 there is no cost advantage.

23 Q Right. In the Capri cigarette today,  
24 or May 30, 1989, whatever, do you use Celanese tow  
25 for the filter?

170322170

1 Jewell

2 A I don't know.

3 MR. SECREST: I ask the reporter to  
4 mark, as Defendant's Deposition Exhibit 260 for  
5 identification, a copy of a document dated  
6 February 13, 1985, bearing production  
7 Nos. BWH11-111 through 114.

8 (Whereupon, document above referred to  
9 was marked as Defendant's Exhibit 260 for  
10 identification, as of this date.)

11 Q Did you receive that document,  
12 Dr. Jewell?

13 A I don't recall.

14 Q Your name appears on the distribution  
15 list; right?

16 A Yes.

17 Q Any reason to doubt that you got it?

18 A Not that I can think of.

19 Q Would you look at the next page, the  
20 second page of the document. Your signature  
21 appears there; right?

22 A Yes.

23 Q As director of process development and  
24 engineering?

25 A Yes.

170322171

1 Jewell

2 Q As of February 8, 5; right?

3 A Correct.

4 Q Does that mean you were still in  
5 Kentucky then?

6 A That's the best of my memory.

7 Q If you look in the first paragraph, in  
8 the box Project Description, it says: "It is  
9 proposed to convert a Garant," or however you  
10 pronounce that, "G4 MAX S module to Visa  
11 specification (94 millimeters by 17 millimeters,  
12 27 millimeter filter)."

13 Do you see that?

14 A Yes.

15 Q Does that refresh your recollection  
16 that Visa was the name of the project for ultra  
17 slim cigarettes?

18 A No.

19 Q What is a Garant 4 MAX S module?

20 A That is a type of making machine and  
21 filter tip attachment made by Hauni.

22 Q The Visa specification that he puts in  
23 parentheses there, is that an ultra slim  
24 cigarette?

25 A I believe I have heard those terms

170322172

1 Jewell

2 used to describe this product along with others.

3 Q Which terms?

4 A The term you used; I think it was  
5 ultra slim?

6 Q Yes. Is that the size of a Capri  
7 cigarette?

8 A Could you be more specific?

9 Q I really don't know how I can be.  
10 Let me ask you this way. Is it the  
11 size of any version of a Capri cigarette?

12 A I am not sure.

13 Q I hand you what has been previously  
14 marked as Defendant's Deposition Exhibit 184 for  
15 identification.

16 Did you receive that document?

17 A I don't recall.

18 Q Does your name appear on the  
19 distribution list?

20 A Yes.

21 Q Any reason to doubt that you received  
22 it?

23 A Not that I can think of.

24 Q Would you take a minute to read the  
25 document over.

170322173

1 Jewell

2 Having read Exhibit 184, does that  
3 refresh your recollection that Visa was the name  
4 of a project to develop an ultra slim cigarette?

5 A No.

6 Q Who was Mr. Finn?

7 A A member of RD&E.

8 Q What was his job?

9 A He worked in the machinery design  
10 area.

11 Q Did he work for Mr. Pittman?

12 A Yes.

13 Q What sort of machinery did he work on?

14 A Fabrication machinery.

15 Q Fabrication as opposed to packing; is  
16 that what you mean by that?

17 A As opposed to primary.

18 Q So it could have been makers or  
19 packers or maybe both?

20 A Correct.

21 Q What other kinds of machinery is there  
22 in fabrication at that same level of generality?

23 A A wrapper, cartoner.

24 Q What was the first word?

25 A Wrapper.

170322174

1 Jewell

2 Q Is that the machine that puts  
3 cellophane around the pack, something like  
4 cellophane around the pack?

5 A Polypropylene.

6 Q Who was Mr. Guthrie?

7 A He was a member of RD&E.

8 Q What was his job?

9 A He was an IE within the machinery  
10 group.

11 Q A what?

12 A IE.

13 Q What does that stand for?

14 A Industrial engineer.

15 Q He worked for Mr. Pittman, also?

16 A Yes.

17 Q Who was Mr. Thorsberg?

18 A A member of RD&E.

19 Q What was his job?

20 A He was also an IE in the machinery  
21 group.

22 Q Mr. Knoop?

23 A He was responsible for corporate  
24 quality.

25 Q Quality of what?

170322175

1 Jewell

2 A Product quality.

3 Q Was he in manufacturing or RD&E?

4 A Manufacturing.

5 Q Who was Mr. Wilson?

6 A An IE from Macon.

7 Q So as of this time he was not an RD&E  
8 guy; is that right?

9 A Correct.

10 Q What was his job, then, in Macon?

11 A He was manager of industrial  
12 engineering.

13 Q What did he do in that job?

14 A He was responsible for industrial  
15 engineering activities within Macon.

16 Q What are "industrial engineering  
17 activities" in Macon?

18 A Special studies and projects such as  
19 time and motion studies, machinery optimization  
20 diagnostic studies, material flow issues; this  
21 general sort of area.

22 Q Does the person in that job work for  
23 you now?

24 A Yes.

25 Q In this document, Mr. Lewis says: "I

170322176

1 Jewell

2 have been appointed RD&E program manager for  
3 Project Visa."

4 Do you recall Mr. Lewis being  
5 appointed program manager for an ultra slim  
6 project?

7 A I don't recall.

8 Q Do you recall Mr. Lewis working on an  
9 ultra slim project?

10 A Yes.

11 Q Was it the project that eventually  
12 became the Capri cigarette?

13 A Yes.

14 Q Whom did Mr. Lewis report to?

15 A Mr. Pittman.

16 Q And, am I correct, Pittman reported to  
17 Kohnhorst?

18 A Correct.

19 THE WITNESS: Excuse me, can I just  
20 ask a question real quick?

21 MR. SECREST: Sure.

22 (Counsel and the witness left the room  
23 and returned shortly thereafter.)

24 (Recess taken.)

25 MR. SECREST: I ask the reporter to

170322177



1 Jewell  
2 mark, as Defendant's Deposition Exhibit 261 for  
3 identification, a document dated February 25,  
4 1986, bearing production Nos. BWM7-024 through  
5 029.

6 (Whereupon, document above referred to  
7 was marked as Defendant's Exhibit 261 for  
8 identification, as of this date.)

9 Q Did you receive that document,  
10 Dr. Jewell?

11 A Not that I recall.

12 Q Your name appears on the distribution  
13 list; doesn't it?

14 A Yes.

15 Q Do you have any reason to doubt that  
16 you received it?

17 A Not that I can recall.

18 Q Would you look at the second page,  
19 please.

20 There is a signature down there under  
21 Director of process development and engineering.  
22 It doesn't look like yours; does it?

23 A No.

24 Q Who is that?

25 A Richard Harris.

170322178

1 Jewell

2 Q Does that indicate to you that at  
3 least as of this date, February 13, '86, you had  
4 transferred to Macon?

5 A Yes, that's my memory.

6 Q Back to the first page. Who was  
7 Mr. Atherton?

8 A He was an individual in the machinery  
9 group.

10 Q The machinery group of RD&E?

11 A Correct.

12 Q What role, if any, did he have in the  
13 ultra slim project?

14 A I don't know.

15 Q Who was Mr. O'Mary?

16 A An accountant.

17 Q Did he work for Mr. Bacon?

18 A I am not sure.

19 Q Was he in RD&E or outside of RD&E?

20 A Outside of RD&E.

21 Q Who was Mr. Hawkins?

22 A By the way, I might add, when I am  
23 answering these sort of questions for the last  
24 several documents, I am trying to recall as of the  
25 dates of the documents.

170322179

1 Jewell

2 Q Sure.

3 A He was branch manager of Macon.

4 Q What is he now?

5 A Director of leaf processing.

6 Q Still in Macon?

7 A No.

8 Q Where is he?

9 A Wilson, North Carolina.

10 Q He still works for B&W; right?

11 A Correct.

12 Q Who was Mr. Nestmann?

13 A An accountant in Macon.

14 Q Would you turn to the third page,  
15 please.

16 Under Detailed Project Description, it  
17 says: "Visa test market machinery and prototype  
18 high speed maker/FTA module."

19 Do you see where I am at?

20 A Yes.

21 Q What is an "FTA module"?

22 A Filter tip attachment.

23 Q Is that the machine that joins the  
24 filter with the cigarette rod?

25 A With the tobacco rod; correct.

170322180

1 Jewell

2 Q Which then makes the cigarette rod?

3 A Yes.

4 Q If you look at this document, down  
5 under the first bullet, under A, it gives some  
6 dimensions.

7 Do you see those?

8 A Yes.

9 Q And, again, refers to Visa cigarette  
10 specification.

11 Does that refresh your recollection  
12 that Project Visa was an ultra slim cigarette  
13 project?

14 A No.

15 Q On the page before that, this capital  
16 expenditure proposal, in the upper right-hand  
17 corner, there is a box labeled Project  
18 substantiation.

19 Do you see where I am at?

20 A Yes.

21 Q And it has three headings; Total  
22 Savings From Operation, Pay-back Period, Time  
23 Adjusted Rate of Return.

24 Those three are blank; right?

25 A Correct.

170322181

1 Jewell

2 Q Does that mean that there was no  
3 calculation of those items made for this project?

4 A I don't know.

5 Q Is it uncommon to have a capital  
6 expenditure proposal that has nothing in the  
7 Project Substantiation block?

8 A We haven't used this form for quite a  
9 while, so I just don't recall.

10 Q Well, casting your mind back to the  
11 time of this document, early 1986, for \$1.4  
12 million projects, was it common or uncommon to not  
13 have a project substantiation calculation?

14 A It would depend on the project.

15 Q What about the project would make that  
16 determination?

17 A If the pure reason for the project was  
18 one of cost reduction, then you would expect to  
19 see the project substantiation included with the  
20 payback or ROI included.

21 Obviously, that doesn't take into  
22 consideration projects that might have a marketing  
23 ROI, for example, this purely would pertain to the  
24 manufacturing issues.

25 Q From what you tell me, am I correct in

170322182

1 Jewell

2 gathering that this was not a cost-saving  
3 project?

4 A Well, looking at the document, it is  
5 indicated it is a new products, that is also  
6 checked as absolutely essential as opposed to the  
7 Cost Reduction block.

8 Q Does that mean this was not a  
9 cost-saving project?

10 MR. NICODEMA: Just so we are clear,  
11 this particular project in DX 261; right?

12 MR. SECREST: Yes.

13 A From this, I would take away that this  
14 project was not approved on the basis of a cost  
15 reduction within the manufacturing group as its  
16 primary objective.

17 Q In the scheme of things at B&W, a \$1.4  
18 million project is not very big project; is it?

19 A That varies.

20 Q You and I have dealt with some  
21 projects much much bigger than that; haven't we?

22 A Yes, we have had projects that have  
23 been both larger and smaller than this.

24 Q In fact, the one that you and I talked  
25 about some years ago was more than a factor of 10

170322183

1 Jewell

2 bigger than that; wasn't it?

3 A Correct.

4 Q And that was not the biggest project  
5 you had going during those years; was it?

6 A Again, to be clear, you are referring  
7 back to the DIET proposal I assume.

8 Q Yes. I wanted you to say that because  
9 I didn't want to break a protective order from  
10 back at that time. I don't think it really does,  
11 because we are all under another protective order  
12 here but, yes, that's the one I had in mind.

13 A And as I mentioned yesterday, one of  
14 the key projects I was working on during that  
15 point in time was the Petersburg closure which was  
16 a larger project, as well.

17 Q So that's at least two projects back  
18 not far from this time period that were, at least  
19 in order of magnitude, bigger than that; right?

20 A Yes.

21 Q And not long before this B&W built the  
22 plant at Macon itself; right?

23 MR. NICODEMA: I think we are confused  
24 as to what we are talking about.

25 Q Are you confused?

170322184

1 Jewell

2 A If I understand your question, that's  
3 not correct.

4 Q When did you build a plant in Macon?

5 A Late Seventies.

6 Q That wasn't long before this, it cost  
7 many many multiples of this project cost; didn't  
8 it?

9 A I am not sure what "many many" means.  
10 It was obviously a very large project.

11 Q Tens of millions as opposed to 1.4  
12 million; right?

13 A Correct.

14 Q So, I say again, in the great scheme  
15 of things at B&W, 1.4 million is not a  
16 particularly big project; is it?

17 A Yes.

18 Q How many projects more than 1.4  
19 million have you known of in your 19 years at  
20 B&W?

21 A I am not sure.

22 Q Ballpark.

23 A Perhaps I could clarify or answer it  
24 this way.

25 Of the number of projects that I have

170322185



1 Jewell

2 dealt with at B&W, I would say that there are ten  
3 times as many projects that are less than this  
4 amount than more than that amount.

5 Q That doesn't surprise me.

6 But there are lots of projects at B&W  
7 whose costs are an order of magnitude bigger than  
8 this; right?

9 A There have been a few, yes.

10 Q So, again, in the great scheme of  
11 things at B&W, this is not a great big project; is  
12 it?

13 A Yes.

14 Q The project that you and I dealt with  
15 some years ago, it is tenfold bigger than this one  
16 in dollars, had to go all the way to London for  
17 approval; didn't it?

18 A Yes.

19 Q This one didn't; did it?

20 MR. NICODEMA: "This one" meaning  
21 DX 261.

22 MR. SECREST: That's what I have been  
23 talking about for the last ten minutes, yes.

24 A I don't know.

25 Q Do you see any indication that it did?

170322186

1 Jewell

2 A I wouldn't expect to see that on here.

3 Q Aside from this document, did the  
4 ultra slim project have to go all the way to  
5 London for approval?

6 A I don't know, I was not in the process  
7 at that point in time.

8 MR. SECREST: I ask the reporter to  
9 mark, as Defendant's Deposition Exhibit 262 for  
10 identification, a document, the first page of  
11 which bears the date December 3, 1985, and it  
12 includes production Nos. BWM8-012 through 022.

13 (Whereupon, document above referred to  
14 was marked as Defendant's Exhibit 262 for  
15 identification, as of this date.)

16 Q Did you receive that document,  
17 Dr. Jewell?

18 A Not that I recall.

19 Q Your name is shown for a copy; right?

20 A Yes.

21 Q Do you have any reason to doubt that  
22 you received it?

23 A Yes.

24 Q Why?

25 A During this period of time, I was

170322187

1 Jewell

2 transitioning jobs, as I recall; I was out of the  
3 office a great deal.

4 Q When you came back from being out of  
5 the office, did you read stuff that had stacked up  
6 on your desk?

7 A Well, I was moving at that time. I  
8 don't recall how we handled the paperwork in the  
9 transition.

10 Q Did the paperwork follow you to  
11 Macon?

12 A I don't recall.

13 Q Does B&W have some kind of organized  
14 system for shuttling paper back and forth between  
15 Louisville and Macon?

16 A Yes.

17 Q Did they have it in December of '85?

18 A Yes.

19 Q Isn't it likely that paper would catch  
20 up with you, with your name on it, whether you  
21 were in Macon or Louisville?

22 A Not necessarily.

23 Q Does that mean the system didn't work?

24 A No.

25 Q If the system worked, as it is

170322188

1 Jewell

2 supposed to, you would have gotten a copy of this  
3 somewhere; isn't that right?

4 A Well, perhaps the confusion is that  
5 this may have been left in Louisville for the  
6 person that assumed my job during that period of  
7 time; that is the uncertainty I have.

8 Q That's speculation on your part; isn't  
9 it?

10 A You asked if I had any reason to  
11 doubt, and that was the basis of it.

12 Q Okay. That's still speculation;  
13 right?

14 A I just don't recall one way or the  
15 other.

16 Q Who was Dr. Lauterbach?

17 A An individual at RD&E.

18 Q What was his job?

19 A He is within the analytical services  
20 division.

21 Q What was his role in ultra slim  
22 cigarettes?

23 A I don't know.

24 Q Who was Mr. Zwiebel?

25 A A systems manager.

170322189

1 Jewell

2 Q In RD&E?

3 A Yes.

4 Q What does a systems manager do?

5 A Responsible for computer systems  
6 within the department as well as systems design  
7 development.

8 Q By "system design development," do you  
9 mean like control systems for use in the factory,  
10 that kind of stuff?

11 A Yes, but the higher level of the  
12 computer component.

13 Q Would you look at the next page,  
14 please.

15 Down in process development and  
16 engineering signature block, there is no  
17 signature; right?

18 A Correct.

19 Q On the page before, though,  
20 Ms. Wingler said: "This project has been fully  
21 approved."

22 Does that mean that this project did  
23 not require approval from the director of process  
24 development and engineering?

25 A Correct.

170322190

Jewell

1  
2 Q What determines whether or not a  
3 project requires the approval of that individual?

4 A During this period of time, if it had  
5 to do with projects that were initiated within  
6 process development and engineering.

7 MR. SECREST: Could I hear that back,  
8 please.

9 (The record was read.)

10 Q Are you telling me that things  
11 initiated within process development and  
12 engineering had to have that person's approval but  
13 things outside of process development and  
14 engineering did not? Is that what you mean?

15 A That was the difference between  
16 approval and informational copies -- or  
17 signatures, excuse me.

18 Q So if a signature was just for  
19 informational, how would you tell the difference,  
20 because it says "approvals" up there?

21 A Well, obviously this is a case in  
22 point, that this was for my information, given  
23 that I wasn't available it was approved anyway.

24 Q If you look back at Exhibit 261, where  
25 Mr. Harris signed under Approvals, is that an

170322191

1 Jewell

2 approval approval or an information approval?

3 A I don't know.

4 Q How can you tell the difference? If  
5 there is a difference.

6 A You would need to understand what the  
7 organizational structure and instructions were to  
8 people at that point in time.

9 Q What were those organizational  
10 structures and instructions at that time?

11 A I don't know.

12 Q What were they when you were the head  
13 of or director of process development and  
14 engineering?

15 A As I relayed earlier, informational  
16 except for those coming out of my group.

17 Q In this process description, on this  
18 page we are looking at in Exhibit 262, the block  
19 Project Description, the second sentence says:  
20 "This move is in response to a management  
21 directive (attached)."

22 Can you look through this document and  
23 tell me if there is anything in here that you  
24 recognize as a management directive.

25 THE WITNESS: Would you read the

170322192

1 Jewell

2 question, please.

3 (The record was read.)

4 A Again, I would have to second-guess  
5 the author. But I want to give you my best  
6 understanding.

7 Q What is your understanding?

8 A I would assume he is referring to this  
9 document that is labeled BWM8-20.

10 Q 8-020?

11 A Yes.

12 Q The first paragraph of that page you  
13 just referred to refers to a change in product  
14 length from 94 to 97 millimeters.

15 Did you have any input to that  
16 decision?

17 A Not that I recall.

18 Q Why was the length changed?

19 A I don't recall.

20 (Luncheon recess taken: 12:25 p.m.)

21

22

23

24

25

170322193



Jewell

A F T E R N O O N   S E S S I O N

March 27, 1991

(1:50 p.m.)

J O H N   N O L A N   J E W E L L ,   having  
been previously sworn, resumed and  
testified further as follows:

EXAMINATION (cont'd.)

BY MR. SECREST:

Q        Dr. Jewell, I will hand you what has  
been previously marked as Defendant's Exhibit 60  
for identification.

          Would you take a minute just to glance  
at that, to the extent you need to, to tell me  
whether or not you have seen it before.

A        I don't recall seeing it.

Q        You are listed for a copy.   You  
probably got one; right?

A        Yes.

Q        Can you tell me who is Mr. Linebaugh?  
I assume it is Mr. Linebaugh.

A        Yes, Sam Linebaugh.   He is in the  
quality department at Macon.

Q        Manufacturing quality?

170322194

1 Jewell

2 A Correct.

3 Q Down in the next list of names, the  
4 third line, there is a T. Pilgreen. Who is that?

5 A Tom Pilgreen.

6 Q What was his job?

7 A Electrical engineer at Macon.

8 Q The subject of this is a Visa start-up  
9 team meeting.

10 Were you a member of the Visa start-up  
11 team?

12 A I don't recall.

13 Q Were you a member of the start-up team  
14 for the ultra slim cigarette?

15 A I don't recall.

16 Q Were you a member of the start-up team  
17 for the Capri cigarette?

18 A I don't recall.

19 Q Would you look through that list,  
20 there is two separate lists of names there, and  
21 tell me if any of those people are employees of  
22 companies other than B&W.

23 A To the best of my memory, they all  
24 were at the time of this document.

25 Q I think you answered my question

170322195

1 Jewell

2 backwards.

3 I asked if anybody was employees of  
4 companies other than B&W.

5 A Excuse me, I don't recognize anyone  
6 that was not an employee at Brown and Williamson  
7 as of that time.

8 Q I hand you a copy of a document that  
9 has previously been marked as Defendant's Exhibit  
10 121 for identification, another report of the Visa  
11 start-up team meeting. Did you get a copy of that  
12 document?

13 A Not that I recall.

14 Q You are listed for a copy; right?

15 A Correct.

16 Q Do you think you probably got it?

17 A No reason not to think I did.

18 Q On the last page appears the initials  
19 above the name R.T. Lewis.

20 Did Mr. Lewis ever work for you?

21 A Yes.

22 Q When?

23 A From 1987 to present.

24 Q From the time you became director of  
25 engineering in Macon?

170322196

1 Jewell

2 A Correct.

3 Q What has been Mr. Lewis's job since  
4 then?

5 A It has varied.

6 Q Tell me what his jobs were and since  
7 he began to work for you.

8 A As I recall, early on, he was  
9 responsible for the machinery development group  
10 and at some point we reorganized and Mr. Lewis  
11 took on the responsibility for all fabrication  
12 functions within engineering.

13 Q While Mr. Lewis worked for you, did he  
14 work on the Capri project?

15 A Yes.

16 Q Was he the chief person who worked for  
17 you who was involved in Capri?

18 A Yes.

19 Q Who were the other key individuals  
20 under your supervision who worked on Capri?

21 A There are no others of that stature.

22 Q Did the other people who worked on  
23 Capri all work under Mr. Lewis?

24 A Either directly or indirectly.

25 Q Was Mr. Lewis the project boss for

170322197

1 Jewell

2 Capri?

3 A I don't know if I would use that term,  
4 but he was certainly the key focus for engineering  
5 on the Capri project.

6 Q Was there somebody higher in the  
7 organization than Mr. Lewis in charge of Capri?

8 A Not the manufacturing issues.

9 Q Was there somebody at a higher level  
10 who brought together manufacturing and the other  
11 issues on Capri?

12 A Yes.

13 Q Who was that?

14 A Well, the point where marketing and  
15 manufacturing issues would have come together  
16 would have been Tommy Sandefur.

17 Q Did Mr. Sandefur personally bring all  
18 these things together under his supervision or did  
19 he have somebody reporting to him who tied all  
20 these marketing and manufacturing things together  
21 on Capri?

22 A I can't recall another person.

23 Q On this document you have there, 121,  
24 in the first group of names there is a J.R.  
25 Myhand?

170322198

1 Jewell

2 A Yes.

3 Q Who was that?

4 A Jeff Myhand, operations manager at  
5 Macon.

6 Q What was Mr. Myhand's role with the  
7 Capri project?

8 A He had some responsibility for  
9 operating the equipment once it was installed.

10 Q Is he a supervisor of the people who  
11 actually run the machines?

12 A No.

13 Q What is the nature of his job?

14 A He is one of the more senior managers  
15 within the Macon manufacturing organization.

16 Q What does he manage?

17 A I am not sure I can be specific for  
18 this point in time.

19 Q Down in the second group of  
20 attendees -- or names, the last name is R.  
21 Spivey. Who was that?

22 A Bob Spivey.

23 Q What was his job?

24 A He worked within R&D on  
25 instrumentation projects.

170322199

1 Jewell

2 Q What was his role in the Capri  
3 project?

4 A I don't know.

5 Q Would you look over at page 3 of the  
6 document.

7 About the middle of the page, under  
8 Pack seal measurement, there is a reference to  
9 Arjay. Do you see that?

10 A Yes.

11 Q What is Arjay?

12 A I am not sure.

13 Q Do you associate that name with some  
14 subsidiary of R.J. Reynolds?

15 A That's a possibility.

16 Q Has B&W ever bought machinery from a  
17 subsidiary of R.J. Reynolds?

18 A I just can't be certain.

19 Q Out of all these people who are listed  
20 on the front of these documents, which one of them  
21 would you think would be the person responsible  
22 for this pack seal measurement aspect of the  
23 project? If any of them.

24 A I am not sure.

25 MR. SECREST: I ask the reporter to

170322200

1 Jewell

2 mark, as Defendant's Deposition Exhibit 263 for  
3 identification, a document dated September 3,  
4 1986, bearing production Nos. BWM9-025 and 026.

5 (Whereupon, document above referred to  
6 was marked as Defendant's Exhibit 263 for  
7 identification, as of this date.)

8 Q Did you receive a copy of this  
9 document?

10 A Not that I recall.

11 Q Your name is on it for a copy; right?

12 A Correct.

13 Q You probably got it?

14 A I have no reason to doubt that.

15 Q Who was D.J. Dant?

16 A Danny Dant, at this time he was  
17 responsible for scheduling with the manufacturing.

18 Q Scheduling the manufacture of  
19 products?

20 A Correct.

21 Q Who was K.M. Burk?

22 A I have no idea.

23 Q What was the Visa product sub-task  
24 force?

25 A I don't recall.

170322201



1 Jewell

2 Q Were you a member of it?

3 A Not that I recall.

4 Q The next page, it is the last  
5 sentence, says: "The Protos maker is being  
6 installed in Macon." Do you see that?

7 A Yes.

8 Q What was the Protos maker?

9 A A Protos is a making machine that is  
10 produced by Hauni.

11 Q Was the Protos machine used to make  
12 Capri cigarettes?

13 A Yes.

14 Q Did it have to be modified in order to  
15 make it capable of making Capri cigarettes?

16 A Yes.

17 Q In what way?

18 A To produce the smaller circumference  
19 tobacco rod and to be able to join that tobacco  
20 rod to the smaller circumference filter.

21 Q Was that machine modified by Hauni  
22 before they sold it to you or was it modified by  
23 B&W after purchase?

24 A It was modified by Hauni.

25 Q Who taught them how to do that?

170322202

1 Jewell

2 A To the best of my memory, we did.

3 Q Who is "we"?

4 A Tom Lewis.

5 Q Did he go to Germany and teach them  
6 whatever they had to know?

7 A Yes.

8 Q Had Hauni ever made a machine before  
9 to make cigarettes of smaller circumference?

10 A Not to my knowledge.

11 Q Did you ever ask them?

12 A I don't recall one way or the other.

13 Q You don't recall whether you ever  
14 asked Hauni that question?

15 A Correct.

16 Q Did you ever talk to Hauni about these  
17 machines?

18 A Yes.

19 Q When?

20 A I don't recall.

21 Q Whom did you talk to?

22 A Mr. Shubert in Jelglitza.

23 Q In what?

24 A Jelglitza.

25 Q Is that the name of a town?

170322203

1 Jewell

2 A No, that is a person.

3 Q I missed something. Let me hear it  
4 again.

5 A Mr. Shubert, Jelglitza.

6 Q Oh, two different people?

7 A Yes.

8 Q Where did this conversation take  
9 place? In --

10 A In Hamburg.

11 Q At Hauni's factory?

12 A Correct.

13 Q Did you ask either of those gentlemen  
14 if they had ever made machines to fabricate slim  
15 cigarettes or ultra slim cigarettes?

16 A Not that I recall.

17 Q Who was with you when you had this  
18 conversation?

19 A Mr. Lewis.

20 Q Anybody else?

21 A Not that I recall.

22 Q Yesterday, I think you told me that  
23 you really weren't an expert on machines; is that  
24 fair?

25 A That's right.

170322204

1 Jewell

2 Q So why did you make this trip to  
3 Hauni?

4 A To meet the principals involved in  
5 Hauni, as an introduction, and also to be aware of  
6 some of the business aspects of the transaction.

7 Q You weren't there to teach Hauni how  
8 to make the machine, I take it?

9 A No.

10 MR. SECREST: I ask the reporter to  
11 mark, as Defendant's Deposition Exhibit 264 for  
12 identification, a document bearing the date  
13 September 8, 1986, and the production numbers  
14 BWT110-161 through 163.

15 (Whereupon, document above referred to  
16 was marked as Defendant's Exhibit 264 for  
17 identification, as of this date.)

18 Q Did you receive a copy of that  
19 document?

20 A Not that I recall.

21 Q Your name is on it?

22 A Correct.

23 Q You probably got it; right?

24 A Most likely.

Q Would you look at the last page.

170322205

1 Jewell

2 There is the typed initials "RDS." I  
3 take that to be Mr. Sharp. It is on the front, it  
4 says from R.D. Sharp.

5 But then the handwritten part of it  
6 doesn't look like "RDS" to me. Does it look like  
7 "RDS" to you?

8 A No.

9 Q Does it look like "DEM," maybe?

10 A No.

11 Q What does it look like to you?

12 A "Dean," D-e-a-n.

13 Q Oh, okay.

14 Is that Mr. Sharp's name?

15 A Yes.

16 Q Mystery solved.

17 I hand you a copy of what has  
18 previously been marked as Defendant's Deposition  
19 Exhibit 124 for identification.

20 Did you receive a copy of this  
21 document?

22 A Not that I recall.

23 Q Any reason to doubt that you got it?

24 A No.

25 Q Again, this is a Visa start-up team

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1 Jewell

2 meeting report; right?

3 A Correct.

4 Q Does seeing this document refresh your  
5 recollection about what the Visa start-up team  
6 was?

7 A No.

8 Q Were you a member of such a team?

9 A I don't recall.

10 Q I hand you a copy of what has  
11 previously been marked as Defendant's Deposition  
12 Exhibit 126 for identification.

13 Did you receive a copy of that  
14 document?

15 A Not that I recall.

16 Q Do you have any reason to doubt that  
17 you got it?

18 A No.

19 Q Would you look at the second page,  
20 please.

21 Down at production schedule, toward  
22 the bottom, it refers to a memo from N. Wilson to  
23 J. Jewell.

24 J. Jewell was you; right?

25 A Yes.

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1 Jewell

2 Q Who was N. Wilson?

3 A Norman Wilson.

4 Q Did he work for you in engineering?

5 A Yes.

6 Q Did he have a role in the Capri  
7 project?

8 A I don't recall.

9 Q If you flip over a couple of pages,  
10 you will see the memo referred to.

11 Does this document have to do with  
12 ultra slim cigarettes?

13 A Excuse me just a second.

14 (Witness conferring with counsel.)

15 THE WITNESS: Would you repeat the  
16 question, please.

17 (The record was read.)

18 A Well, over the course of the last  
19 couple of days we have seen several documents for  
20 Visa that seems to deal with an ultra slim  
21 cigarette, and this seems to be a Visa schedule.

22 Q Independent of this document, do you  
23 still have no recollection of the term "Visa"?

24 A None other than the strong indication  
25 we have had here that it must deal with Capri.

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